

Amendment  
Serial No. 10/776,718

Docket 5000-1-513

### REMARKS

Applicant respectfully requests reconsideration and withdrawal of all grounds of objection and rejection in the Office Action in light of the foregoing amendments and the following remarks. Claims 1-6 remain pending in the application. Claim 1 has been amended to recite that the clipper clips the output signal lower than a specific level (preset voltage  $V_{cut}$ ); support is found in the specification at page 6, lines 18-20. Claim 6 has been amended in accordance with the Examiner's suggestion.

Applicant respectfully submits the amendment to claim 6 overcomes the ground of objection cited in the Office Action. Applicant respectfully requests acknowledgement that the objection has been overcome.

Claims 1-3 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Masashi *et al.* (U.S. 5,574,714) ("Masashi"). Claims 4-6 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Masashi in view of Doh *et al.* (U.S. 6,911,644 B2) ("Doh"). Applicant respectfully traverses this ground of rejection for the reasons indicated herein below.

It is alleged in the Office Action that Masashi discloses "a clipper (15) coupled to an output terminal of the variable gain amplifier with a preset signal  $V_{cut}$  and for outputting a signal difference when the output signal of the variable gain amplifier is higher than or equal to the preset signal  $V_{cut}$  in amplitude."

While it is true that claim 1 of the present invention recites "a clipper coupled to an output terminal of the variable gain amplifier for comparing an output signal of the variable gain amplifier with a preset signal and for outputting a signal difference when

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the output signal of the variable gain amplifier is higher than or equal to the preset signal  $V_{\text{cut}}$  in amplitude", Applicant respectfully submits that the clipper 22 clips a signal lower than a specific level and outputs only a signal higher than the specific level (specification at page 6, lines 18-19). The specific level being referred to is set to a preset voltage  $V_{\text{cut}}$  (page 6, line 19). In other words, the clipper clips the signal if it is lower than the level  $V_{\text{cut}}$  and only outputs a signal higher than  $V_{\text{cut}}$ .

In contrast to the clipper recited in present claim 1, Masashi discloses at column 3, lines 39-47 that "when the bottom value is recognized as being larger than the reference value d, the bottom value comparing circuit issues a shift signal having a high level. In such a case, the shift circuit 8 shifts the level of the EFM signals to reduce it, thereby reducing the bottom value. Conversely, when the bottom value is smaller than the reference value c, the shift signal has a low level, and the bottom value is level-shifted to become larger."

In other words, the bottom value comparing circuit 15 in Masashi does not clip the signal and only use a signal level higher than  $V_{\text{cut}}$  for generating an AGC adjustment control signal, as does the clipper circuit in the presently claimed invention.

Accordingly, claim 1 has been amended to recite that the clipper clips a signal lower than  $V_{\text{cut}}$ . Masashi fails to disclose or suggest the claimed clipper circuit, and thus fails to anticipate claim 1. Additionally, claim 1 would not have been obvious to a person of ordinary skill in the art.

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According to the United States Court of Appeals for the Federal Circuit, a claim is anticipated only if a single prior art reference sets forth each and every feature recited in a claim (*Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)), including the features in functional language (*In re Schreiber*, 128 F.3d 1473, 1478, 44 USPQ2d 1429 (Fed. Cir. 1997) (citing *In re Swinehart*, 439 F.2d 210, 169 USPQ 226 (CCPA 1971))).

As Masashi fails to set forth a clipper as recited in claim 1, Masashi fails to anticipate claim 1. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

In addition, Applicant respectfully submits that claims 2 and 3 are patentable at least because claim 1 is patentable, and because of a separate basis for patentability. Masashi fails to disclose, teach, suggest, or provide any motivation such that claims 2 and 3 would have been obvious to a person of ordinary skill in the art. Individual consideration of each of the claims on their own merits is respectfully requested.

With regard to the rejection of claims 4-6 over the combination of Masashi and Doh, Applicant respectfully submits that the combination of references still fails even to disclose or suggest independent claim 1. Therefore, claims 4-6 are believed to be allowable at least for dependence from claim 1, which is believed allowable at least for the reasons indicated above. In addition, claims 4-6 are also patentable because of a separate basis for patentability. Individual consideration of each of claims 4-6 on their own merits are respectfully requested.

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In order for a claim to be rejected as obvious under section 103, there is required to be a showing that the prior art references, alone or in combination, teach all the features in the claims (*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)), including those in functional language (*In re Schreiber*, 128 F.3d at 1478), and/or those features as combined in the claims would have been within the ordinary skill in the art (*KSR International Co. v. Teleflex Inc. et al.*, No. 04-1350, U.S. Supreme Court, decided April 30, 2007).

For all the foregoing reasons, reconsideration and withdrawal of the rejection of claims 4-6 are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A notice of Allowance is respectfully requested.

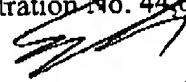
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Should the Examiner deem that there are any issues which may be best resolved by telephone communication, please contact Applicant's undersigned Attorney at the number listed below.

Respectfully submitted,  
Steve Cha  
Registration No. 44,069



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Enclosure:

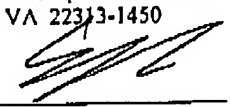
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